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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,148	01/30/2002	Linda Sharp	17706-00004	3551

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EXAMINER	
CHOI, PETER H	
ART UNIT	PAPER NUMBER
3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/066,148	SHARP, LINDA	
	Examiner	**Art Unit**	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 08 January 2007.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) 8 and 11-27 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7,9,10 and 28-32 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *Requirement for Information*.

DETAILED ACTION

1. The following is a **NON-FINAL** office action upon examination of application number 10/066,148. Claims 1-7, 9-10, and 28-32 are pending in the application and have been examined on the merits discussed below.

Election/Restrictions

2. Claims 8 and 11-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 8, 2007.

37 CFR § 1.105 – Requirement for Information

3. Applicant is directed towards the attached Request for Additional Information. A complete reply to this Office Action must include a complete reply to the Request for Additional Information. The time period for reply coincides with the time period for reply to this Office Action, which is 3 months.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 30 recites the limitation "each interaction" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 30 is dependent on claim 1, and there is no interaction step in claim 1. However, Examiner notes that claim 7 recites the step of a relative interaction value. It is unclear whether the "interaction" in claim 30 is a reference to the relative interaction value of claim 7, or an interaction between the user and a contact relationship. For purposes of examination, the Examiner is interpreting the "interaction" of claim 30 to be ____. Clarification is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 9-10 and 28-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Under the statutory requirement of 35 U.S.C. § 101, a claimed invention must produce a useful, concrete, and tangible result. For a claim to be <u>useful</u>, it must yield a result that is specific, substantial, and credible (MPEP § 2107). A <u>concrete</u> result is one that is substantially repeatable, i.e., it produces substantially the same result over and over again (*In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000)*). In order to be <u>tangible</u>, a claimed invention must set forth a practical application that generates a real-world result, i.e., the claim must be more than a mere abstraction

(*Benson, 409 U.S. at 71-72, 175 USPQ at 676-77*). (Please refer to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" for further explanation of the statutory requirement of 35 U.S.C. § 101.)

Regarding a useful result, the claimed invention does not yield a result that is specific, substantial and credible. For example, in claim 1 of the claimed invention, the recitation of generic, unidentified variables (e.g., contact relationship categories) to generate a very specific result (e.g., the value of each actual contact relationship) is not deemed to be specific, substantial, or credible because the claimed invention does not convey the specifics of the variables (e.g., what categories are being used in determining the value, why have said categories been selected for use in determining the value), thereby making it difficult to understand how a specific result based on non-specific variables would be credible. If, however, the claimed invention defines these variables as very clearly defined elements, such as "satisfied" or "unsatisfied" customers or "unhappy" or "out of play" customers, then one could reasonably assess that the value determined based on such marketing-specific variables is a result that can specifically, substantially, and credibly be achieved.

Regarding a concrete result, the claimed invention does not yield a result that is substantially repeatable, i.e., a result that produces substantially the same result over and over again. Claims that recite subjective and purely cognitive processes require special attention when evaluating whether results are substantially repeatable due to

the fact that practice of the claimed invention could vary greatly depending on the person practicing the invention. Human judgment is significantly affected by one's personal and unique experiences, one's current mood, one's propensity toward dishonesty, etc. For example, in claim 1 of the claimed invention, the claimed invention is directed towards assigning a value to each of a plurality of created contact relationship categories, and determining a value of each contact relationship based on the assigned contact relationship category value does not yield a result that is substantially repeatable. A more thorough analysis of a claimed invention should look at the claimed invention as a whole. The practice of the invention is solely dependent on subjectivity of a human user, which varies from person to person. In other words, the outcome of the practice of the claimed invention is not substantially repeatable, as different contact relationship categories are created by each user, as values are assigned to each contact relationship category by each user, and as the value of each contact relationship is determined based on the assigned value of the contact relationship category by each user. The claimed invention is completely dependent on factors that could yield a significantly altered result every time the invention is repeated.

Regarding a tangible result, the claimed invention must set forth a practical application that generates a real-world result, i.e., the claim must be more than a mere abstraction. The steps of the claimed invention may be limited to the mind of a human user. Until such steps are used to manifest some effect in the real-world, they constitute a mere abstract idea. If, however, in addition to these steps, the claimed invention

recites implementing a specific strategy (or modifying the current strategy) based on the determined value of each actual contact relationship, then the claimed invention would be deemed to generate a real-world and tangible result (i.e., aligning future contact relationship strategy based on the perceived value of the relationship). The claimed invention of managing marketing per se is abstract because there is no real-world application. However, if the marketing analysis is manipulated (mathematically or analytically) to decide whether a certain action should be taken, thereby affecting the future relationship with a contact, then the claimed invention yields a real-world, i.e., tangible, result.

Claims 2-7, 9-10, and 28-32 are dependent on claim 1; therefore, the are rejected under the same rationale.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 4, 7, 10 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Francis Mulhern's "Customer Profitability Analysis: Measurement, Concentration and Research Directions" (reference 1-V; hereafter referred to as Mulhern).

As per claim 1, Mulhern teaches a method for managing marketing comprising:

(a) creating a plurality of contact relationship categories **(The customer unit is the entity for which profitability is computed. Firms often distinguish different types of customers (e.g., consumer versus corporate customers))** [Page 27];

(b) assigning a value to each contact relationship category **(Customer profitability is the net dollar contribution made by individual customers to an organization)** [Page 26]; and

(c) determining a value of each actual contact relationship based on the assigned value of the contact relationship category **(one may identify a best customers segment consisting of the highest-profit customers for whom extensive retention programs could be developed)** [Page 36].

As per claim 2, Mulhern teaches a method in accordance with claim 1 further comprising investing in customer relationships based on the determined value of each contact relationship **(marketing efforts are best directed at the most profitable consumers)** [Page 26].

As per claim 4, Mulhern teaches a method in accordance with claim 1 further comprising selecting a contact relationship strategy based on the perceived value of the relationship **(marketing efforts are best directed at the most profitable consumers)** [Page 26].

As per claim 7, Mulhern teaches a method in accordance with claim 1 wherein the contact relationship categories include at least one of a contact evolution level **(existing or prospective customers)** and a relative interaction value **(determining which customers are "active")** [Page 28].

As per claim 10, Mulhern teaches a method in accordance with claim 7 further comprising:

(a) obtaining actual contact relationship data from a tracking system **(customer profitability analysis now is possible because of the availability of large-scale customer databases containing a history of purchase transactions)** [Page 26];

(b) determining leading indicator metrics based on the obtained data **(customer profitability provides a metric for the allocation of marketing resources to consumers and market segments)** [Page 26]; and

(c) determining adjustments to be made to assigned contact relationship interaction values based on the leading indicator metrics **(customer profitability provides a metric for the allocation of marketing resources to consumers and market segments. Marketing efforts are best directed at the most profitable customers) {thus, the adjustment is made where marketing resources are concentrated in marketing efforts directed at the most profitable customers}** [Page 26].

As per claim 30, Mulhern teaches a method in accordance with claim 1 further comprising assigning a value to each interaction based on pre-determined values stored in the database **(More sophisticated customer databases contain data on the costs for marketing communications and other customer-specific variable costs)** [Page 29].

10. Claims 5,6, 28, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulhern as applied to claim 1 above, and further in view of Walter et al. (US Patent #6,334,110).

As per claim 5, although not explicitly taught by Mulhern, Walter et al. teaches a method in accordance with claim 1 further comprising:

(a) tracking the results of the relationship evolution **(a campaign may be monitored. The campaign effectiveness is monitored weekly at 920)** [Column 7, lines 5-8];

(b) analyzing the results **(In step 350, statistics are gathered and analyzed to determine the effectiveness of the advertising campaign; The campaign effectiveness is monitored weekly at 920. In step 350, the results of the campaign are scored and the results are displayed so the analyst can decide whether the**

temporal campaign was successful. A campaign effectiveness score may be calculated) [Column 4, lines 41-43, Column 7, lines 8, 21-26]; and

(c) developing leading indicator metrics based on the analysis **(At 1050 the number of offer viewings, unique viewings, number of sales per channel and the campaign effectiveness score is shown; The campaign is described at 1110 and a graph showing the number of units sold per quarter is shown at 1120)** [Column 7, lines 26-36].

As per claim 6, Mulhern teaches a method in accordance with claim 5 further comprising:

(b) modifying the new marketing strategy to reduce risk and increase profits **(marketing efforts are best directed at the most profitable consumers)** [Page 26].

Walter et al. teaches the step of

(a) documenting benefits and leading indicator metrics to evaluate an impact of a new marketing strategy **(In step 350, statistics are gathered and analyzed to determine the effectiveness of the advertising campaign; The campaign effectiveness is monitored weekly at 920. In step 350, the results of the campaign are scored and the results are displayed so the analyst can decide whether the temporal campaign was successful. A campaign effectiveness score may be calculated)** [Column 4, lines 41-43, Column 7, lines 8, 21-26].

Both Mulhern and Walter et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of documenting the impact of new marketing strategies, because doing so enables an analyst determine a change in profitability, and to notice purchasing trends to infer future behavior, thereby enabling a marketing analyst to decide what products and offers might be good matches for specific customers (and like customers), which is a goal of Walter et al. [Column 5, lines 27-52, Column 6, lines 47-49], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

As per claim 28, although not explicitly taught by Mulhern, Walter et al. teaches a method in accordance with claim 1 further comprising receiving contact information and storing the contact information to create a contact profile **(customer profiles 230)** and cross-referencing the contact profile against a unique identifier **(Willard's name and customer identification is entered and displayed at 510 and 520; Willard's name and customer identification are entered and displayed at 610 and 620. The system responds by presenting profiles of other customers who have similar browsing and purchasing behavior to Willard. These other customers are shown by customer name 630)** for easy retrieval and update [Column 6, lines 4-5, 34-38].

Both Mulhern and Walter et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of creating contact profiles with a unique identifier using received contact information, because doing so allows presentation of other customers with similar browsing and purchasing behavior and customer value, thereby enabling a marketing analyst to decide what products and offers might be good matches for specific customers (and like customers), which is a goal of Walter et al. [Column 6, lines 47-49], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

As per claim 29, Mulhern teaches the availability of large-scale customer database containing a history of purchase transactions [Page 26], but does not explicitly teach that said customer databases record every transaction conducted with a conact.

However, Walter et al. teaches the step of recording every transaction conducted with the contact **[In step 310, a report of Willard's browsing or shopping behavior gathered from all three channels is assembled. Note that daily interactions through the three channels may be grouped into weekly, monthly, or annual profiles]** [Table 1, Column 4, line 49 – Column 5, line 25].

Both Mulhern and Walter et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of creating a transaction log for each contact, because doing so enables an analyst to notice purchasing trends to infer future behavior, thereby enabling a marketing analyst to decide what products and offers might be good matches for specific customers (and like customers), which is a goal of Walter et al. [Column 5, lines 27-52, Column 6, lines 47-49], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

As per claim 31, although not explicitly taught by Mulhern, Walter et al. teaches a method in accordance with claim 1 further comprising generating reports that help management improve upon a marketing strategy to reduce risk and maximize profits **(At 1050 the number of offer viewings, unique viewings, number of sales per channel and the campaign effectiveness score is shown; The campaign is described at 1110 and a graph showing the number of units sold per quarter is shown at 1120)** [Column 7, lines 26-36].

Both Mulhern and Walter et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of

generating reports, because doing so allows doing so enables an analyst to notice purchasing trends to infer future behavior, thereby enabling a marketing analyst to decide what products and offers might be good matches for specific customers (and like customers), which is a goal of Walter et al. [Column 5, lines 27-52, Column 6, lines 47-49], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

As per claim 32, although not explicitly taught by Mulhern, Walter et al. teaches a method in accordance with claim 1 further comprising providing a detailed history of past interactions, current interactions, and planned interactions **[In step 310, a report of Willard's browsing or shopping behavior gathered from all three channels is assembled. Note that daily interactions through the three channels may be grouped into weekly, monthly, or annual profiles]** [Table 1, Column 4, line 49 – Column 5, line 25].

Both Mulhern and Walter et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of creating a transaction log for each contact, because doing so allows doing so enables an analyst to notice purchasing trends to infer future behavior, thereby enabling a marketing analyst to decide what products and offers might be good matches for

specific customers (and like customers), which is a goal of Walter et al. [Column 5, lines 27-52, Column 6, lines 47-49], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

11. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulhern as applied to claim 1 above, and further in view of Boe et al. (US Patent #6,236,975).

As per claim 3, Mulhern does not explicitly teach a method in accordance with claim 1 further comprising modeling strategies in advance of investment by running reports based on status quo, best case scenario, and worst case scenario.

However, Boe et al. teaches a "what-if" page that allows the customer to make adjustments by changing his or her demographic parameters such as income level, number of children, and the like [Column 13, lines 8-11] and provides graphical reports that compare the customer's responses to the responses of other customers with the same demographics [Column 5, lines 6-9].

Both Mulhern and Boe et al. are directed towards customer analysis for targeted marketing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of "what-if"

analysis reports concerning best and worst case scenario and maintaining the status quo, because doing so further enables businesses to target its marketing efforts to specific potential customers who may be more likely to purchase specific products or services than other potential customers, which is a goal of Boe et al. [Column 3, lines 39-43], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

As per claim 9, Mulhern does not explicitly teach a method in accordance with claim 7 further comprising obtaining information to generate assumptions regarding status quo, best case scenario, and worst case scenario.

However, Boe et al. teaches a "what-if" page that allows the customer to make adjustments by changing his or her demographic parameters such as income level, number of children, and the like [Column 13, lines 8-11].

Both Mulhern and Boe et al. are directed towards customer analysis for targeted strategies. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Mulhern to include the step of "what-if" analysis concerning best and worst case scenario and maintaining the status quo, because doing so further enables businesses to target its marketing efforts to specific potential customers who may be more likely to purchase specific products or services

than other potential customers, which is a goal of Boe et al. [Column 3, lines 39-43], and further aligns with the teachings of Mulhern where different communication programs can be developed based on the actual, or projected, profitability of customers [Page 26].

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

John Kish's “Before your customers leave” (reference 1-W) discusses the need to create attrition management programs combining real time marketing and customer relationship management.

Thomas Kelly's “Maximizing Lifetime Customer Value” (reference 1-X) discusses factors involved in retaining clients for life.

Mark Pickering's “Not All Customers are Created Equal” (reference 2-U) discusses customer lifetime value, customer profitability, and how to improve both.

David Bulger's “The Evolution of Relationship Marketing: Reaching an Audience of One” (reference 2-V) teaches relationship marketing through collected transaction data.

Sam Koslowsky's "Reducing Your Risk: What's Happening in Retail Database Marketing" (reference 2-W) teaches TREE analysis, customer lifetime value, d share of wallet modeling approaches.

Paul Berger and Nada Nasr's "Customer Lifetime Value: Marketing Models and Applications" (reference 2-X) discusses customer lifetime value, marketing models, and managerial applications of relationship marketing models.

F. Robert Dwyer's "Customer Lifetime Valuation to Support Marketing Decision Making" (reference 3-U) discusses customer migration model, customer retention model, and lifetime values of customers.

Bibelnieks et al. (US Patent #6,567,786) teaches a system and method for increasing the effectiveness of customer contact strategies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC
March 30, 2007

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

37 CFR § 1.105 – Requirement for Information

Request for Additional Information

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. Information is required to document the level of skill and knowledge in the art of marketing management using simulation of investment and contact relationship strategies based on the perceived value/worth of the relationship with customers.

Marketing MATH™: An Analytical Framework for the Art of Marketing (attached as Reference 1-U) was an article written by Linda Sharp (the Applicant) and Mei Li Fung, was copyrighted in 1998, and discloses subject matter similar to that of pending claims 1-7, 9-10, and 28-32.

Specifically, Marketing MATH provides a perspective to determine the return on investment in marketing. Brand Building Scenario Analysis and Customer Lifetime Value concepts are combined to allow marketers to perform simulations and cost/benefit analysis. Math is used to model prospect awareness, customer acquisition, customer retention and loyalty to provide insights during marketing planning and practical benefits in terms of metrics and indicators during implementation. Brand building scenario analysis allows marketers to look at the viability of various strategies

in advance of investment and consider the likely profit from different strategies and design cost-effective tactical programs to carry them out. In performing scenario analysis using a closed loop mathematical model of marketing, sales and customer care, marketers can do a "virtual" test market of their strategies. Marketing MATH also helps marketers define and address practical problems, such as attracting prospects to become customers, how to identify profitable situations with existing customers, when to tell someone that they are no longer wanted as a customer, etc. The stages defined during planning also provide a forecast of what to expect during implementation and yields a plurality of metrics that actual results can be measured against.

Information is requested to document public use or sale of Marketing MATH™. This information is required to complete the background description in the disclosure by documenting the level of overlap between Marketing MATH™ with the claimed invention.

The information is required to identify products and services embodying the disclosed subject matter with similar products and services found in the prior art.

The information is required to complete the background description in the disclosure by documenting the factual basis for the Applicant's claimed invention, further providing credibility to the claimed subject matter.

In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing Marketing MATH™. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

In response to this requirement, please provide the citation and a copy of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of marketing management, especially those disclosing Marketing MATH™.

In response to this requirement, please state the specific improvements of the claimed subject matter in claims 1-7, 9-10 and 28-32 over prior art (Marketing MATH™) and indicate the specific elements in the claims that provide those improvements. For those claims expressed as means or steps plus function, please provide the specific page and line numbers within the disclosure that describe the claimed structure and acts.

3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is

unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

4. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PC

April 1, 2007

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